

MINUTES OF THE CITIZENS' CHARTER REVIEW COMMISSION  
JUNE 1, 2011

STATE OF TEXAS           §  
                                     §  
COUNTY OF BRAZOS       §

**Present:**

Brian Bochner  
Terry Childers  
Chuck Ellison  
Patrick Gendron, arrived after roll call  
Paul Greer  
Gary Halter  
Tony Jones  
Lynn McIlhaney  
Buck Prewitt

**City Staff:**

Carla Robinson, City Attorney  
Sherry Mashburn, City Secretary

**1. Call to Order and Announce a Quorum is Present**

With a quorum present, the Citizens' Charter Review Commission was called to order by Vice Chair Lynn McIlhaney at 4:00 p.m. on Wednesday, June 1, 2011 in the City Council Chambers of the City of College Station City Hall, 1101 Texas Avenue, College Station, Texas 77842.

**2. Hear Visitors**

There were no citizen comments.

**3. Presentation, discussion and possible action on minutes for May 18, 2011 Regular Meeting.**

**MOTION:** Upon a motion made by Commissioner Ellison and a second by Commissioner Childers, the Commission voted eight (8) for and none (0) opposed, with Commissioner Gendron absent, to approve the May 18, 2011 Regular Meeting minutes. The motion carried unanimously.

**4. Discussion and possible action on the Letter of Resignation from Jim Maness.**

**MOTION:** Upon a motion made by Commissioner Childers and a second by Commissioner Jones, the Commission voted eight (8) for and none (0) opposed, with Commissioner Gendron absent, to accept the Letter of Resignation from Jim Maness. The motion carried unanimously.

**5. Discussion and possible action to appoint a new Chair and Vice Chair, if needed.**

**MOTION:** Upon a motion made by Commissioner Ellison and a second by Commissioner Bochner, the Commission voted eight (8) for and none (0) opposed, with Commissioner Gendron absent, to elect Lynn McIlhaney as Chair and Terry Childers as Vice Chair. The motion carried unanimously.

**6. Presentation, discussion and possible action on gender neutrality within the City Charter.**

Carla Robinson, City Attorney, stated there is no legal requirement that the charter be drafted in gender neutral terms. The Code Construction Act states that words of one gender include the other gender as well. As such, the charter does not have to be updated to reflect gender neutral language or include a provision providing that the charter be gender neutral.

**MOTION:** Upon a motion made by Commissioner Prewitt and a second by Commissioner Ellison, the Commission voted eight (8) for and one (1) opposed, with Commissioner Bochner voting against, to prepare draft ballot language providing that the charter is gender neutral and to change all gender specific language in the charter. The motion carried.

**7. Presentation, discussion and possible action on the creation of subcommittees.**

No action was taken on this item.

**8. Public Hearing to receive comments regarding the City of College Station Charter.**

At approximately 5:30 p.m. Chair McIlhaney opened the Public Hearing.

Dick Birdwell, 3 Forest Drive, suggested the Commission make no changes regarding the recall. He is concerned about who would be responsible or able to determine what malfeasance is and how long might be required to determine it? He also suggested that it is time for Council to consider some kind of districts. The city is too large to have the entire Council elected at-large. It is also time to consider compensation for councilmembers. Many hours are spent in meetings and many hours are spent preparing for meetings.

Jim Maness, 1733 Arrington, stated there is a general distrust of city government as evidenced by the red light camera and recall controversies. As College Station is approaching 100,000 population it is time to have councilmembers represent specific geographic areas of the city instead of having a plethora of councilmembers from only one area of the city. He suggested five single member districts with one person residing in each district, and one elected at-large. Recall could only be done by citizens of the councilmember's own district. This cost is about

\$30,000 every ten years to re-district. He stated that not allowing citizens to vote on property tax increases, as enshrined in Articles V and VIII is slamming citizens in the face. He also recommended adding a non-voting ad hoc member to the City Council to represent the disenfranchised people of the ETJ to give them some voice in what is going on.

Jerry Cooper, 602 Bell Street, stated that trust issues will not be solved by the recommendations just given. Changing to districts will not change that one iota. He is in favor of retaining the at-large place system we have because it makes every councilmember responsible to every citizen of the city. As for the recall issue, he is in favor of changing the charter so people do have a pertinent solid reason instead of a disagreement on an issue. He reminded the Commission that the City tried districts in the 1970's and there were no identifiable areas in town.

Sherry Ellison, 2705 Brookway, said she likes the idea of two year terms with six year term limits. She is concerned with the concept of elections by district, and that does not necessarily mean a good voter turnout. The design of a district is a critical thing to do. She likes keeping elections in May and November and timed with general elections. She would hate to see a recall happen again. She doesn't think it is right that people who have never voted before can sign a petition and decide who can be recalled. There must be a more substantive reason.

Benito Flores, 901 Val Verde, stated, regarding recall, the way the system is set up is good. For example, if Council decides to double the utility rate, it is not illegal, but it is wrong. It is hard to do a petition. Even though there was a strong petition drive that resulted in the recent (recall) election, the citizens voted against it. The process worked. He suggested we change the charter to give proposed annexed citizens an opportunity to vote, even if it is a non-binding vote. Give the citizens more rights to decide what is going to happen to them, not less.

There being no further comments, the Public Hearing was closed at 5:49 p.m.

**9. Presentation, discussion and possible action on public comments received during the Public Hearing.**

No action was taken.

**10. Presentation, discussion and possible action on a proposed Plan of Work as submitted by the City Attorney.**

The Commission accepted the work plan as proposed with the change to to include Articles 1, 2, and 3 starting June 15 and adding discussion of draft language regarding gender neutrality on June 15..

**11. Discussion and possible action on future agenda items.**

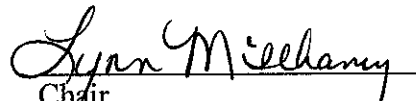
Commissioner Gendron requested information that addresses ethics policy, nepotism, and conflicts of interest. Staff was directed to place this on the next agenda along with peer city comparisons.

Commissioner Bochner encouraged the others to review the articles that will be discussed and to identify items needing discussion in advance.

Commissioner Halter requested a copy of the model city charter to be made available to the Commission.

**10. Adjournment**

**MOTION:** Upon a motion made by Commissioner Ellison and a second by Commissioner Greer, the Commission voted nine (9) for and none (0) opposed, to adjourn the Regular Meeting of the Citizens Charter Review Advisory Commission at 5:56 p.m. on Wednesday, June 1, 2011. The motion carried unanimously.

  
Chair

ATTEST:

  
City Secretary



CITY OF COLLEGE STATION  
Home of Texas A&M University\*

## PUBLIC HEARING SIGN-UP FORM

Regular Meeting Date: \_\_\_\_\_  
MM / DD / YY

**\*\* Please PRINT all information \*\***

Name: DICK BIRNWEIL Phone: 260 2076  
Address: 3 FOREST DRIVE  
Email: d.bird@verizon.net Comments: ☐ WRITTEN ☒ ORAL

Comments will be presented for PUBLIC HEARING AGENDA ITEM # \_\_\_\_\_

### FOR WRITTEN COMMENTS, PLEASE WRITE BELOW:

---

---

---

---

---

---

---

☐ COMMENTS CONTINUED ON ATTACHED DOCUMENT OF \_\_\_\_\_ PAGE(S)

### FOR ORAL COMMENTS:

1. YOU MUST SIGN UP PRIOR TO THE SCHEDULED MEETING  
(At the City Secretary's Office during regular business hours, or from 5:00 p.m. to 6:45 p.m. the day of the meeting.);
2. YOU WILL HAVE ONE OPPORTUNITY TO SPEAK; AND
3. YOU MUST OBSERVE THE 3-MINUTE TIME LIMIT. (Time cannot be transferred to another speaker.)

Inquiries from speakers about matters not listed on the agenda will either be directed to the Staff or placed on a future agenda for Council consideration. **See reverse side for additional rules.**

### MAIL, FAX OR EMAIL COMPLETED FORM TO:

City of College Station  
City Secretary's Office – City Hall  
1101 Texas Avenue, College Station, Texas 77840  
Fax: 979-764-6377  
Email: [smashburn@cstx.gov](mailto:smashburn@cstx.gov)

OFFICE USE ONLY:  
(# in which received)

1



CITY OF COLLEGE STATION  
Home of Texas A&M University®

## PUBLIC HEARING SIGN-UP FORM

Regular Meeting Date: \_\_\_\_\_

June 1, 2011  
MM/DD/YY

**\*\* Please PRINT all information \*\***

Name: \_\_\_\_\_

Phone: \_\_\_\_\_

Address: \_\_\_\_\_

Email: \_\_\_\_\_

Comments: ☒ WRITTEN ☒ ORAL

Comments will be presented for PUBLIC HEARING AGENDA ITEM # \_\_\_\_\_

### FOR WRITTEN COMMENTS, PLEASE WRITE BELOW:

see attached

☐

COMMENTS CONTINUED ON ATTACHED DOCUMENT OF \_\_\_\_\_ PAGE(S)

### FOR ORAL COMMENTS:

1. YOU MUST SIGN UP PRIOR TO THE SCHEDULED MEETING  
(At the City Secretary's Office during regular business hours, or from 5:00 p.m. to 6:45 p.m. the day of the meeting.);
2. YOU WILL HAVE ONE OPPORTUNITY TO SPEAK; AND
3. YOU MUST OBSERVE THE 3-MINUTE TIME LIMIT. (Time cannot be transferred to another speaker.)

Inquiries from speakers about matters not listed on the agenda will either be directed to the Staff or placed on a future agenda for Council consideration. **See reverse side for additional rules.**

### MAIL, FAX OR EMAIL COMPLETED FORM TO:

City of College Station  
City Secretary's Office – City Hall  
1101 Texas Avenue, College Station, Texas 77840  
Fax: 979-764-6377  
Email: [smashburn@cstx.gov](mailto:smashburn@cstx.gov)

OFFICE USE ONLY:  
(# in which received)

2

Several months ago, in a presentation to the city council, I suggested that there is a general distrust of city government. This distrust <sup>WAS</sup> ~~is evidenced~~ <sup>MAGNIFIED</sup> by the recent red light and recall controversies. Low voter turn<sup>out</sup> evidences voter disgust and helplessness, not trust.

Citizens feel disenfranchised by politicians, ~~both in office and serving on committees when they out of office~~. They feel ~~both these categories of~~ politicians no longer understand the feelings, concerns and mood of the people. To help restore trust I suggested the city council form a charter review committee. They did.

I suggested that since College Station is reaching the 100,000 mark it is time to have councilmember's represent specific geographic areas of the city instead of having a plethora of councilmembers from only one area of the city.

Single member districts are the most popular system to achieve this goal nationwide. I suggest 5 single member districts with the person representing that district residing within that district, and one council person elected at large. Recall could only be done by citizens of the councilpersons own district. This would give honest representation.

The objection raised is every ten years the city would have to spend about \$30,000 to redistrict.

The city spent 1.3 Million dollars a mile for a walking track in Lick Creek Park that is seldom used. It has supervisors earning over \$60,000 per year with no one to supervise. \$30,000 every ten years is a small price to pay for democracy and trust.

Speaking of trust – Not allowing citizens to vote on property tax increases as enshrined in Articles V and VIII is slamming citizens in the face by saying “we can tax your property whatever and whenever we want. Your vote does not count nor do we want your vote on how much of your money we take.” Let the citizens vote or “Horrors” cut spending.



Finally, I suggest you consider adding a non-voting Ad Hoc member to the city council to represent the disenfranchised people in the ETJ. Give them at least a voice.



CITY OF COLLEGE STATION  
Home of Texas A&M University®

## PUBLIC HEARING SIGN-UP FORM

Regular Meeting Date: 8-1-11  
MM / DD / YY

**\*\* Please PRINT all information \*\***

Name: Terry Cooper Phone: 686-3963

Address: 602 Bell St

Email: Cooper T A crossroads.org Comments: ☐ WRITTEN ☐ ORAL

Comments will be presented for PUBLIC HEARING AGENDA ITEM # \_\_\_\_\_

### FOR WRITTEN COMMENTS, PLEASE WRITE BELOW:

---

---

---

---

---

---

---

☐ COMMENTS CONTINUED ON ATTACHED DOCUMENT OF \_\_\_\_\_ PAGE(S)

### FOR ORAL COMMENTS:

1. YOU MUST SIGN UP PRIOR TO THE SCHEDULED MEETING  
(At the City Secretary's Office during regular business hours, or from 5:00 p.m. to 6:45 p.m. the day of the meeting.);
2. YOU WILL HAVE ONE OPPORTUNITY TO SPEAK; AND
3. YOU MUST OBSERVE THE 3-MINUTE TIME LIMIT. (Time cannot be transferred to another speaker.)

Inquiries from speakers about matters not listed on the agenda will either be directed to the Staff or placed on a future agenda for Council consideration. **See reverse side for additional rules.**

### MAIL, FAX OR EMAIL COMPLETED FORM TO:

City of College Station  
City Secretary's Office – City Hall  
1101 Texas Avenue, College Station, Texas 77840  
Fax: 979-764-6377  
Email: [smashburn@cstx.gov](mailto:smashburn@cstx.gov)

OFFICE USE ONLY:  
(# in which received)

3



CITY OF COLLEGE STATION  
Home of Texas A&M University\*

## PUBLIC HEARING SIGN-UP FORM

Regular Meeting Date: \_\_\_\_\_  
MM / DD / YY

**\*\* Please PRINT all information \*\***

Name: Sherry Ellison Phone: 696-6793  
Address: 2705 Brookway Drive College Station, Texas 77845  
Email: ellison@txayba.com Comments: ☐ WRITTEN ☒ ORAL

Comments will be presented for PUBLIC HEARING AGENDA ITEM # \_\_\_\_\_

### FOR WRITTEN COMMENTS, PLEASE WRITE BELOW:

---

---

---

---

---

---

---

☐ COMMENTS CONTINUED ON ATTACHED DOCUMENT OF \_\_\_\_\_ PAGE(S)

### FOR ORAL COMMENTS:

1. YOU MUST SIGN UP PRIOR TO THE SCHEDULED MEETING  
(At the City Secretary's Office during regular business hours, or from 5:00 p.m. to 6:45 p.m. the day of the meeting.);
2. YOU WILL HAVE ONE OPPORTUNITY TO SPEAK; AND
3. YOU MUST OBSERVE THE .3-MINUTE TIME LIMIT. (Time cannot be transferred to another speaker.)

Inquiries from speakers about matters not listed on the agenda will either be directed to the Staff or placed on a future agenda for Council consideration. **See reverse side for additional rules.**

### MAIL, FAX OR EMAIL COMPLETED FORM TO:

City of College Station  
City Secretary's Office – City Hall  
1101 Texas Avenue, College Station, Texas 77840  
Fax: 979-764-6377  
Email: [smashburn@cstx.gov](mailto:smashburn@cstx.gov)

OFFICE USE ONLY:  
(# in which received)

4



## PUBLIC HEARING SIGN-UP FORM

Regular Meeting Date: 6/1/11

MM / DD / YY

**\*\* Please PRINT all information \*\***

Name: BENITO FLORES-MEATH

Phone: \_\_\_\_\_

Address: 901 JAL VERDE

Email: \_\_\_\_\_

Comments: ☐ WRITTEN ☒ ORAL

Comments will be presented for PUBLIC HEARING AGENDA ITEM # \_\_\_\_\_

### FOR WRITTEN COMMENTS, PLEASE WRITE BELOW:

---

---

---

---

---

---

---

☐ COMMENTS CONTINUED ON ATTACHED DOCUMENT OF \_\_\_\_\_ PAGE(S)

### FOR ORAL COMMENTS:

1. YOU MUST SIGN UP PRIOR TO THE SCHEDULED MEETING  
(At the City Secretary's Office during regular business hours, or from 5:00 p.m. to 6:45 p.m. the day of the meeting.);
2. YOU WILL HAVE ONE OPPORTUNITY TO SPEAK; AND
3. YOU MUST OBSERVE THE 3-MINUTE TIME LIMIT. (Time cannot be transferred to another speaker.)

Inquiries from speakers about matters not listed on the agenda will either be directed to the Staff or placed on a future agenda for Council consideration. **See reverse side for additional rules.**

### MAIL, FAX OR EMAIL COMPLETED FORM TO:

City of College Station  
City Secretary's Office – City Hall  
1101 Texas Avenue, College Station, Texas 77840  
Fax: 979-764-6377  
Email: [smashburn@cstx.gov](mailto:smashburn@cstx.gov)

OFFICE USE ONLY:  
(# in which received)

5